

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROMEO LISTER, *et al.*,

Plaintiffs,

VS.

NATIONAL OILWELL VARCO, L.P.,

Defendant.

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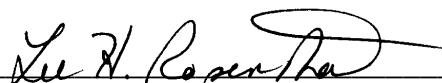
CIVIL ACTION NO. H-11-0108

MEMORANDUM AND OPINION

In this employment discrimination case, the plaintiffs moved to strike twenty of the defendants' "affirmative defenses and/or avoidances" on the basis that they lacked factual allegations and did not specify which of the three plaintiffs was the subject of each. (Docket Entry No. 7). In response, the defendants filed an amended answer and affirmative defenses and/or avoidances. The amended pleading adds some factual allegations and identifies when the affirmative defense and/or avoidance applies to all the plaintiffs or only to a specific plaintiff. (Docket Entry No. 9). The defendant asserts that this amended pleading makes the motion to strike moot. This court agrees that because the answer that was the subject of the motion to strike has been amended, the motion to strike is moot. This ruling does not preclude the plaintiffs from challenging the sufficiency of the amended answer if appropriate under the pleading standards in the Fifth Circuit.

The motion to strike (Docket Entry No. 7), is denied as moot.

SIGNED on February 7, 2011, at Houston, Texas.



Lee H. Rosenthal

United States District Judge